

REMARKS

Claims 1-5 and 7-9 are pending in this application. By this Amendment, claims 1 and 5 are amended; new claim 9 is added, and claim 6 is canceled without prejudice to or disclaimer of the subject matter contained therein. Support for the amendments to claim 1, as well as for new claim 9 can be found, at least, page 9, line 25 - page 11, line 26. Claim 5 is amended to change its dependency. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-5, 7, and 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Schell (U.S. Patent No. 6,593,671) in view of Mufford (U.S. Patent No. 6,186,254) and Wheat (U.S. Patent No. 6,727,013); and rejects claim 6 under 35 U.S.C. § 103(a) as allegedly unpatentable over Pearson (U.S. Patent No. 6,555,989) in view of Mufford and Wheat. Applicants respectfully traverse the rejections.

By this Amendment, independent claim 6 is canceled, rendering moot the rejection thereof.

Independent claim 1 has been amended to specify that the control device is configured to, during the power generation state: perform a first determination as to whether to stop a power generation operation during intermittent operation based on a temperature of the fuel cell, perform a second determination as to whether to stop the power generation operation during the intermittent operation based on at least a temperature of a specific component that is external to the fuel cell and that contains moisture, and continue the power generation operation when it is determined not to stop the power generation operation in the second determination, although it is determined to stop the power generation operation in the first determination.

Applicants respectfully submit that, Mufford merely describes the use of a resistor to bring a fuel stack within a preferred operating temperature range. Mufford contains no

discussion of any determination, let alone a first and a second, of whether to stop a power generation operation during intermittent operation based on temperature. Mufford merely describes the use of the resistor to Maintain the temperature of the fuel stack by supplying the resistor with power or by using the resistor as a bleed resistor. Mufford does not describe a first and a second determination made regarding whether to stop a power generation operation.

Additionally, because Mufford fails to disclose either of the determinations claimed, it also cannot disclose continuing the power generation operation when it is determined not to stop the power generation operation in the second determination, although it is determined to stop the power generation operation in the first determination.

Schell and Wheat fail to at least cure the deficiencies of Mufford.

Accordingly, the applied references fail to disclose and would not have rendered obvious each and every element of independent claim 1. Therefore, independent claim 1 is patentable. The dependent claims are patentable, at least, by virtue of their dependences from patentable independent claim 1, as well as for the additional features they recite.

Accordingly, Applicants respectfully request withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:KRD/plj

Attachments:

Petition for Extension of Time
Request for Continued Examination

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